

C/615/025 Incoming
cc: Steve Alder

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UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS

COP COAL DEVELOPMENT COMPANY,

Appellant.

*(November 17, 2011 Decision Approving
Minor Modification of R2P2, 4th Left Pillar,
Castle Valley Mine No. 4, Castle Valley
Mining, LLC, Operator)*

IBLA 2012-0052

**MOTION FOR EXTENSION OF TIME TO
FILE STATEMENT OF REASONS**

3482 (UTG 023)
UTU-73342 (LMU)
U-020668 (Lead Coal Lease)

Appellant, COP Coal Development Company ("COP"), pursuant to 43 C.F.R. §§ 4.22(f) and 4.405, hereby respectfully moves the Interior Board of Land Appeals (the "Board"), for an extension of time to file its Statement of Reasons in the above-captioned appeal. Cause for this extension is demonstrated by the following:

1. The above-captioned appeal is one of several that COP has pending before the Board. Also pending is the consolidated appeal, IBLA 2011-111/-112, and appeal IBLA 2012-0039.

2. Additionally, COP is involved in numerous other matters pending before the United States Bankruptcy Court for the District of Utah, as well as the United States District Court, arising out of the bankruptcy case of C.W. Mining (Utah Bankruptcy Case No. 08-20105), the former operator of the coal mine in question in the above-captioned appeal.

3. One of those matters pending in the Bankruptcy Court is that certain litigation, identified as *Rhino Energy, LLC and Castle Valley Mining, LLC v. C.O.P. Coal Development Company and ANR Company, Inc.*, Adversary Proceeding No. 11-02250 (the "Adversary Proceeding"), which litigation involves Castle Valley (the new operator of the mine), as well as COP and others.

4. A lengthy hearing was held in the Adversary Proceeding yesterday, February 13, 2012. During the course of the hearing, the judge discussed and addressed some of the arguments that COP will raise in this appeal, as well as in the other pending appeals before the Board.

5. A transcript of that hearing has been ordered today so that COP can properly identify the court's statements to the Board and address those arguments.

6. Pursuant to the Board's order on COP's earlier motion, the current deadline to file the Statement of Reasons is February 15, 2012. In order to have time to obtain the transcript of the hearing and properly analyze the same, as well as to address other related issues and arguments, COP respectfully requests the Board to extend the deadline for 30 days, to and

including March 14, 2012, in order to allow COP adequate time to prepare its Statement of Reasons.

7. Pursuant to 43 CFR § 4.405(c), the undersigned counsel for COP has emailed counsel for the BLM, as well as counsel for Castle Valley and counsel for ANR, concerning this motion. Counsel for the BLM has graciously indicated that the BLM does not oppose this motion. Counsel for Castle Valley is currently out of the office, according to the automated email response. But no party has indicated it opposes the motion.

WHEREFORE, having shown good cause, COP respectfully requests that the Board grant a 30-day extension of time, to March 14, 2012, for COP to file its Statement of Reasons in the above-captioned appeal.

DATED this 14th day of February, 2012.

SNOW, CHRISTENSEN & MARTINEAU



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on February 14, 2012, a true and correct copy of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE STATEMENT OF REASONS**, was sent to the following in the manner indicated:

U.S. Department of Interior
Office of Hearing and Appeals
Interior Board of Land Appeals
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